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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,275	02/19/2004	Gary Tripp	D0932-00385	4232
8933	7590	05/12/2006		
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			EXAMINER GOFMAN, ANNA	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,275

Applicant(s)

TRIPP ET AL.

Examiner

Anna Gofman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 49-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/05, 10/06/04, 9/17/04, 2/19/04</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. The Examiner has carefully considered Applicant's response filed March 09, 2006. The rejection of claims 1-48 has been maintained.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Specification

3. The amendment filed on March 09, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant amended the specification on paragraph 0017 to provide units for the R-value. Since there are no R-value units in the original disclosure, it is not clear how Applicant has arrived at those particular units as opposed to other units, such as metric units. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claim 48 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although Applicant has amended the specification to provide units for the R-value, there is no support for these units since the original disclosure did not contain any R-value units. Therefore, claim 48 is not supported by the specification and therefore is rejected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-4, 6-15, 18, 22-27, 32-41, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajander et al. (US 2003/ 0008586).

Kajander et al. disclose an insulation material comprising a nonwoven web of glass fibers and plastic-containing bi-component fibers (pg.1 col.2 paragraph 0008). The bi-component fibers consist of a polyester core covered with a sheath of polyethylene (pg.1 col.2 paragraph 0010), which is inherently a thermoplastic polymer. Further, the sheath material inherently has a lower melting point temperature than that of the core material. On page 3 col. 2 paragraph 0030, Kajander et al. disclose that said mat has a

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density of 45 pounds per cubic foot, implying a uniform density throughout the laminate. The inorganic or glass fibers have a fiber length of no more than 3 inches (or 76.2 mm) (pg.2 col.2 paragraph 0019) and make up at least 80 weight percent of the fibrous material. The plastic-containing fibers make up about 20 weight percent (pg.3 col.1 paragraph 0027), which is essentially free of formaldehyde (pg.1 col.1 paragraph 008). An intermediate layer of the laminate which is used as a flame-retardant may comprise a sheath of polyethylene or kraft fibers (pg.2 col.1 paragraph 0017; pg.1 col. 2 paragraph 0010 and Example 1, respectively). Thus, claims 1-4, 6-15, 18, 22-27, 32-41, and 44 are rejected.

Rejection maintained.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 16-17, 19-21, 30-31, 42-43, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander et al.

The features of Kajander et al. have been set forth above. Kajander et al. teach said glass fibers having a diameter of about 6 microns (pg.2 col.2 paragraphs 0018), of the laminate, which has a weight of 1.7 pounds per 100 square feet (or 83 grams per square meters) (Example 3). Although Kajander et al. is silent about the diameter of said plastic-containing fibers, the density of the fiber insulation, and the thickness of the

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insulation material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired density, fiber diameters and lengths through the process of routine experimentation in order to arrive at values which offered the optimum insulation in the invention of Kajander et al. Thus, claims 5, 16-17, 19-21, 30-31, 42-43, and 45-47 are rejected.

Rejection maintained.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander et al. in view of Jaffee (US 2004/ 0266304).

The features of Kajander et al. have been set forth above. Kajander et al. teach a formaldehyde-free nonwoven fibrous mat but fail to disclose bi-component fibers comprising a core of mineral fibers, and a water resistant additive of epoxy foam, acrylic or asphalt. Jaffee is drawn to non-woven glass fiber mat laminates. Jaffee teaches non-woven mat comprising a binder of glass or mineral fibers (pg.4 col.1 paragraph 0032), bound together with a water resistant binder of acrylic (pg.4 col.1 paragraph 0033). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include mineral fibers in the binder taught by Kajander et al. The motivation would have been to provide strength and insulation to the core (pg.1 col.1 paragraph 0006). Further, it would have been obvious to one having ordinary skill in the art to use acrylic as the water repelling materials taught by Kajander et al. The motivation would have been to provide further insulation as well as excellent water repellency (pg.4 col.1 paragraph 0034). Thus, claims 13, 28, and 40 are rejected.

Rejection maintained.

Response to Arguments

11. Applicant's arguments filed March 09, 2006 have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that Kajander et al. do not teach "scrap inorganic insulation fibers". This is not persuasive because Kajander et al. teach inorganic insulation fibers such as rotary glass fibers (pg.2 par.0019). Examiner interprets that said inorganic insulation fibers would meet the limitation of scarp inorganic insulation fibers because there does not appear any different structure between scrap inorganic fibers and regular inorganic fibers.

Further, Applicant argues that Kajander et al. do not teach bonding a facing layer to the nonwoven mat. This argument is not persuasive because Kajander et al. teach that the present invention can have two or more layers of wood (pg.2 par.0015 and 0016). This meets the limitation of claim 22 which recites "a facing layer bonded to at least one of the two sides of the mat." Since the invention of Kajander et al. may contain two or more layers, one of the layers would inherently be a facing layer. For these reasons, the rejections are maintained.

12. The 112 2nd paragraph rejection of claims 22-48 is withdrawn in view of the amended specification on paragraph 0017 as well as the newly amended claim 48, which provides units for the R-value.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

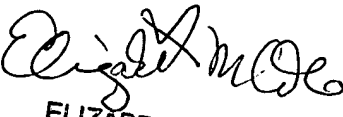
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Gofman whose telephone number is (571) 272-7419. The examiner can normally be reached on Mon.-Fri. 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anna Gofman


ELIZABETH M. COLE
PRIMARY EXAMINER